

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL ACTION FILE NO. 1:15-cv-248

TD BANK, N.A.,)	
Plaintiff,)	
)	
v.)	DEFAULT JUDGMENT AGAINST
)	DEFENDANTS CARLAND TRACTOR
CARLAND TRACTOR AND EQUIP.,)	AND EQUIP., INC. and ANTHONY E.
INC., ANTHONY E. CARLAND, MAX)	CARLAND
LOWE CARLAND JR., and ELLEN C.)	
CARLAND,)	
)	
Defendants.)	

Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland, Inc. having failed to plead or otherwise defend in this action and said Defendants' default having been entered;

NOW, upon application of Plaintiff and upon Affidavit, Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland are indebted to Plaintiff in the following amounts:

1. That the amount due Plaintiff from Defendant Anthony E. Carland, on its First Claim for Relief, is the sum of Thirty-Three Thousand Six Hundred Fifty and 77/100 Dollars (\$33,650.77);

2. That the amount due Plaintiff from Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland, jointly and severally, on its Second Claim for Relief, is the sum of Two Hundred Twelve Thousand Two Hundred Ninety-Five and 32/100 Dollars (\$212,295.32), plus interest at the rate of Thirty-Two and 39/100 Dollars (\$32.39) per day after November 15, 2016, until date of entry of judgment and thereafter at the legal rate until paid in full, plus

reasonable attorneys' fees in the amount of 15% of the outstanding indebtedness owing when Plaintiff instituted this action;

3. That, on March 10, 2017, the Court entered a Judgment [Doc. 57] granting Plaintiff's Motion for Summary Judgment against Defendants Max Lowe Carland Jr. and Ellen C. Carland [Doc. 43] and, in the interest consistent judgments among all Defendants, the amount stated in the forgoing paragraph is, after accounting for the accrual of interest, the same reduced amount awarded in that Judgment;

4. That Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland, Inc. have defaulted for failure to plead and that said Defendants are not infants or incompetent persons or in the military service of the United States of America.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff recover as follows:

1. That Plaintiff have and recover of Defendant Anthony E. Carland, on its First Claim for Relief, the sum of Thirty-Three Thousand Six Hundred Fifty and 77/100 Dollars (\$33,650.77);

2. That Plaintiff have and recover of Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland, jointly and severally, on its Second Claim for Relief, the sum of Two Hundred Twelve Thousand Two Hundred Ninety-Five and 32/100 Dollars (\$212,295.32), plus interest at the rate of Thirty-Two and 39/100 Dollars (\$32.39) per day after November 15, 2016, until date of entry of judgment and thereafter at the legal rate until paid in full, plus reasonable attorneys' fees in the amount of Thirty Thousand Thirty-Six and 94/100 Dollars (\$30,036.94), which is Fifteen Percent (15%) of the outstanding indebtedness due and owing at the time suit was instituted on November 9, 2015 (being \$200,246.24);

3. That Plaintiff have and recover of Defendants Carland Tractor and Equip., Inc. and Anthony E. Carland, Inc. the costs of this action.

Signed: July 7, 2017


Frank G. Johns, Clerk
United States District Court



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